



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 696 (as introduced 1-13-16)  
Sponsor: Senator Bert Johnson  
Committee: Judiciary

Date Completed: 2-9-16

### **CONTENT**

**The bill would amend the Michigan Penal Code to do the following:**

- **Establish a duty for certain people to report a burn injury to law enforcement officials under particular circumstances.**
- **Provide immunity from civil or criminal liability to a person who reported a burn injury as required under the bill.**
- **Specify that a health professional-patient relationship would not be a valid reason not to report a burn injury or a defense against a misdemeanor charge for failure to report.**

#### **Duty to Report**

The Penal Code provides that a person in charge of a hospital or a pharmacy, or a ward or part of a hospital, has a duty to report to a law enforcement officer when a person suffering a wound or other injury inflicted by means of a knife, gun, pistol, or other deadly weapon comes or is brought to the hospital or pharmacy. Failure to report is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.

The bill also specifies that a person, firm, or corporation conducting a hospital or pharmacy in Michigan, the person managing or in charge of a hospital or pharmacy, or the person in charge of a ward or part of a hospital to which one or more people came or were brought suffering from a burn injury, would have a duty to report that fact immediately under certain circumstances. The report would have to be both by telephone and in writing and be to the arson or fire investigation unit of the village or city in which the hospital or pharmacy was located, or to the county sheriff if the facility were located outside the incorporated limits of a village or city.

The duty to report would apply if one or more of the following circumstances were present:

- There was evidence that a fire accelerant was used in the incident causing the burn injury and there was a reasonable suspicion that the person suffering from the injury committed arson.
- An interview with the victim created a reasonable suspicion that he or she committed arson.
- Treatment for the injury was sought after an unreasonable delay in time.

A report made under the bill would have to state the name and residence of the person suffering from the burn injury, if known, his or her whereabouts, and the cause, character, and extent of the injuries. The report could state the identification of the perpetrator, if known.

A physician or surgeon who had under his or her charge or care a person suffering from a burn as described above also would have a duty to report.

Failure to report a burn injury would be subject to the same criminal penalty as failure to report a wound or injury inflicted by means of a knife, gun, or other deadly weapon.

### Immunity

Under the Code, a person who in good faith reports a wound or injury inflicted by means of a knife, gun, or other deadly weapon, or cooperates in an investigation or proceedings conducted as a result of his or her report, is immune from civil or criminal liability that the person otherwise would incur by making the report or cooperating. The bill would extend the same liability protection to a person who reported a burn injury under the bill.

### Physician-Patient Privilege

Under the Code, a physician-patient privilege or any other health professional-patient privilege created or recognized by law is not a valid reason for failure to report a wound or injury inflicted by means of a knife, gun, or other deadly weapon and is not a defense to a misdemeanor charge for failure to report. Under the bill, any such privilege also would not be a valid reason not to report a burn injury or a defense for a misdemeanor charge for failure to report a burn injury.

MCL 750.411

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill could have a negative fiscal impact on State and local government. An increase in misdemeanor arrests and convictions could place incremental resource demands on local court systems, law enforcement, and jails. Any associated increase in fine revenue would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.